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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixth session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 27 November 1991, at 10 a.m.

Chairman: Mr. ALSTON

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS (agenda item 7) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Panama (E/1984/6/Add.19, E/1988/5/Add.9, E/1986/4/Add.22, E/1989/5/Add.5) (continued)

1. Mr. SWEPSTON (International Labour Organisation) said that, as far as reports prepared by Panama for ILO on implementation of ILO Conventions were concerned, those due in 1990 for consideration in 1991 had been received and would be considered in 1992. He was gratified by the constructive attitude of the Government of Panama, which had moreover requested and obtained ILO assistance in solving certain problems relating to the implementation of the Conventions. He was pleased that a link had thus been established between the technical assistance provided by organizations and the ratification and implementation of Conventions.

2. Mrs. VALLARINO (Panama) pointed out, before reading Panama's replies to the list of issues prepared by the Working Group (E/C.12/WG/1991/CRP.2), that the representatives of Panama had not been aware of the need to provide written replies. When the representative of Panama had proposed to the members of the Committee, after briefly introducing the report under consideration, a dialogue intended to elucidate certain points, he had merely been following the guidelines provided by the Committee at its fifth session.

3. The CHAIRMAN explained that there was no obligation to reply in writing, but that the Committee could request a written reply, in the interest of delegations as well as in its own.

4. Mrs. VALLARINO (Panama) read out the written replies by Panama to the questions prepared by the pre-sessional Working Group.

5. Regarding the right to work protected by article 6 of the Covenant, the Committee would have noted, from the additional information submitted by Panama (E/1989/5/Add.5), that freedom to choose employment was guaranteed by the Constitution; in practice, Panamanians worked freely and for as long as they liked in the job of their choice. They were obliged neither to remain in a job nor to work overtime, except in case of force majeure. Annexes II and II-A to Panama's written reply provided details of wage equity and of the criteria adopted in adjusting the minimum wage. The same additional information (E/1989/5/Add.5) provided details of non-discrimination in employment and of respect for the principle of "equal pay for equal work". The Canal Commission, which was a United States Federal Agency, was a case apart; certain key positions on the Commission were reserved for United States nationals and for a few qualified Panamanians. That restriction had been adopted for reasons of security, and not out of discrimination.

6. Workers were protected against arbitrary dismissal by the relevant provisions of the Labour Code, which contained special measures for trade union leaders and shop stewards, and for pregnant women or nursing mothers.

Regarding the implementation of article 7 of the Covenant, on working conditions, Panama had ratified the relevant ILO Conventions and respected the principle of mandatory holidays to allow workers the necessary rest: workers were not authorized to work during their holidays (E/1989/5/Add.5, para. 111 et seq.). Moreover, the provisions, not only of the Constitution but of the Labour Code, protected and guaranteed trade union rights (E/1985/5/Add.5).

7. Regarding the implementation of articles 10 to 12, and in particular protection of the family, it should be noted that Panama had ratified the International Convention on the Rights of the Child and had finalized a draft family code. The Committee would find, in the annex to Panama's written replies, up-to-date information on the protection of the family, of mothers and children. Since the adoption of the 1946 Constitution, the church authorities had been compelled to submit to civil law regarding the family, women and children. In order to avoid any discrimination between natural and legitimate children, it was henceforth forbidden to register the filiation of a child on civil records. In addition, it was forbidden to employ minors between the ages of 14 and 18 in jobs that were harmful to their health or morals, or in activities that interfered with their studies. Moreover, the Civil Code punished neglect and ill-treatment of minors, and a juvenile court had been established.

8. As far as the right to an adequate standard of living was concerned (art. 11), the State took responsibility for feeding school-age children, in particular through its school lunch programme, which benefited 40,800 pupils in primary schools located in areas of critical poverty (E/1988/5/Add.9, para. 66 et seq.). There were soup kitchens in metropolitan areas to ensure the population did not go hungry and, in outlying areas, clubs and religious organizations distributed food. There were also public and private orphanages, old peoples' homes and day nurseries. In addition, Act No. 24 of 1954, which was applied by means of administrative decisions, obliged citizens to feed their children, parents and handicapped brothers and sisters. The authorities and a number of non-governmental institutions operated technical assistance programmes and programmes for the supply of equipment and of seeds for basic subsistence crops, and for aquaculture (fishing and rice).

9. The State had entered into agreements, through the Price Control Office and the Ministry of Trade, with the clothing industry to produce low-cost uniforms and shoes for the poorest school children. Those items were provided free of charge to poor children thanks to the support of clubs such as the Lions Club and the Rotary Club. The civil service and a number of private firms also helped their employees to purchase uniforms. Special offers of textiles for clothing also made it possible to obtain very cheap clothes.

10. Thanks to artesian wells Panama had managed to provide drinking water supplies to villages with less than 500 inhabitants. The Ministry of Health and the National Water Mains and Irrigation Institute were responsible for larger towns.

11. Low-cost public housing programmes were run by the Ministry of Housing; in rural areas, the communities concerned provided the labour, and the materials, plans and technical management were provided by the State. In Colon, where the housing problem was acute, a fund financed by taxes raised

from special services in the Colon free zone had been established exclusively for the construction of housing in the region, where many wooden houses were in a poor state of repair and insalubrious.

12. The State organized vaccination campaigns, launched malaria eradication programmes and programmes for the prevention of AIDS and communicable venereal diseases to protect the population's health (art. 12). It also combated epidemics such as cholera. In order to reduce tobacco consumption, taxes on cigarettes had been raised and smoking was forbidden in public places, on public transport, and in particular in clinics and hospitals. For the time being, Panama was little affected by pollution as it had no heavy industry.

13. With regard to the right to education (arts. 13 and 14), the Ministry of Education had incorporated civic education, good manners and etiquette, religion and moral values into educational programmes in order to foster an awareness among pupils of their human rights. Primary education had been free since 1946, and since 1987 no school fees has been charged in Panama's public secondary schools (E/1988/5/Add.9, para. 86 et seq.). Registration fees for higher education were negligible, 20 balboas per semestre, and a human resources institute was currently setting up a system of fellowships for all levels of public education (E/1988/5/Add.9, para. 133 et seq.). Fellowships were also offered for studies abroad. Moreover, the State provided civil servants with continuing education, with financial support from UNDP and ILO, and technical assistance from PREALC (Regional Programme for Employment in Latin America and the Caribbean). If problems of discrimination in employment were negligible in Panama, there were even fewer in education. Private and foreign universities in Panama admitted students regardless of race, religion or political convictions. The Education Organization Act enshrined freedom of education and governed the establishment and operation of all teaching establishments, both public and private: private education was available at all levels, and total enrolment in private universities was 4,019 (E/1988/5/Add.9, table 1-A).

14. Regarding the implementation of article 15 of the Covenant, concerning cultural life, the National Institute of Culture was primarily responsible for programmes for the dissemination of culture (E/1988/5/Add.9, para. 173 et seq.). In addition, freedom of scientific research and creative freedom were guaranteed by the Education Organization Act. The State promoted and subsidized classical music, ballet, folklore festivals, theatre and the two television channels specializing in cultural and scientific programmes. Copyright was protected in Panama and was held by the Ministry of Education. Commercial and industrial patents were filed with the Ministry of Trade and Industry, and the brand names of pharmaceutical and food products with the Ministry of Health.

15. Mr. UCROS (Panama) replied to a number of questions asked by members of the Committee. Regarding the legislative task under way as part of the country's reconstruction, he pointed out that a number of reforms such as the tax reform, were currently being considered by the Legislative Assembly. The economic revival plan, which was designed to liberalize trade and gradually to reduce customs duties, would be implemented through decrees issued in accordance with the Constitution. As for the measures planned to mitigate the social consequences of the economic revival plan, he said that compensation

for workers dismissed as a result of the privatization of a number of public bodies would be the responsibility of the purchaser. Financial support equivalent to between 6 and 12 months wages' was given to the employees of public bodies who resigned to set up their own firm or to work on their own account. Lastly, while it was true that the State was responsible for protecting labour and thus for adopting a full-employment policy in order to ensure the right of all people to work and to live in decent conditions, that did not mean that it was responsible for providing every Panamanian citizen with a job.

16. Regarding the remedies available to citizens, he said that there was a broad range of ordinary, administrative, judicial or extraordinary remedies. Citizens could also lay cases before the Supreme Court. All citizens could avail themselves of the remedies against any executive or legislative act, law or decree.

17. The level of unemployment had been 20 per cent in metropolitan areas in 1987 when, according to the results of a household survey, there had been 45,000 unemployed. In August 1988, the total number of unemployed was 125,158 (E/1989/5/Add.5, annexes 1-A and 1-B).

18. There was no racial discrimination against the indigenous or the black population, except in respect of certain positions on the Canal Commission, details of which had already been given. There was considerable demand for indigenous people for certain jobs, such as cook, including in the United States army's canteens. To subject the hiring of indigenous workers to cumbersome administrative formalities would effectively bar them from employment.

19. Mr. VELASQUEZ (Panama) replied to a number of other questions and remarks made by members of the Committee. If the level of drug addiction among young Panamanians actually was 60 per cent, which would be the highest level in the world, it would indeed be extremely disturbing. However, he asked what was the source of that figure. It was indeed true that the United States invasion had caused the destruction of housing: the houses that had been destroyed in El Chorillo had been wooden ones, that had already been condemned, and which had burnt. Those who had lost their personal property and furniture had received 1,200 balboas; in addition, an account credited with $4,500 had been opened in the Savings Bank for each head of family to allow him to rehouse his family. Thus, of the 3,000 people who had been made homeless by the United States invasion, only 300 were still homeless. It was they who had protested, as was indeed their right.

20. He made a number of remarks regarding the compilation prepared for the Committee by Mr. Wimer Zambrano. There was no doubt that, in the political sphere, Panama had had to face problems that derived from international relations. Left-wing groups had protested against the United States invasion, following which they had submitted their own statistics. If a compilation were prepared on the basis of that data alone, without drawing on other sources, it would be impossible to be objective and the conclusions of the compilation prepared by Mr. Wimer Zambrano were indeed quite partial. Although the economic blockade imposed by the United States had certainly aggravated Panama's economic situation, it was not true that it had led to the continuing

violation of the human rights of the most disadvantaged groups among the population. On the contrary, the Government of Panama did its utmost to help the underprivileged, and it received virtually no international assistance in doing so. The further deterioration of living conditions in Panama after the United States invasion and the establishment of a new Government was certainly a direct consequence of the invasion, but on the other hand it was not true that there were forces in Panama that were determined to eradicate the vestiges of the former nationalism. In actual fact, in the past there had not been any "nationalism" at all. Former president Noriega had been nothing but a drug trafficker; as for the United States, its objective was to retain control of the Canal after the year 2000.

21. There was no truth in statements that human rights violations had increased under the present regime. Quite the contrary, there was in fact total freedom of the press. There had undoubtedly been a fall in national income, with catastrophic consequences in the spheres of food, housing and the basic social services. The struggle against Noriega had indeed been extremely bitter, with very serious repercussions, although that did not mean that the leaders and supporters of the former regime were being persecuted. A transition between the two regimes would no doubt have been preferable. The United States invasion might be compared to a surgical operation: it had been painful, but it had enabled an extremely dangerous malignant tumour to be removed.

22. Under the former regime, the trade unions had on occasion compromised themselves with the Government, which had granted them a number of privileges in order to control them. It was possible that the present Government was firm with the trade unions, but in any case the problem was a domestic one and did not concern the United States.

23. The rights of workers were not disregarded: appeals were possible against wrongful dismissal and, when appropriate, the rights of those who had appealed had been restored. Nor was it true to claim that in the educational sphere repression had entailed the dismissal of thousands of teachers, a widespread decline in the level of education and obstacles to university independence. In that sphere, freedom was on the contrary greater and there was more respect than ever before for academic freedom.

24. He took exception to a presentation of the facts that suggested that the Governments of Panama and of the United States of America were responsible for serious, intentional and frequent violations of the International Covenant on Economic, Social and Cultural Rights. Panama was experiencing serious domestic problems that were nothing to do with the United States. It was true that the United States had had to intervene to overthrow Noriega, but since then it had not interfered in Panamanian politics. He could provide the Committee with full proof of his assertions.

25. Mr. UCROS (Panama) said, in reply to other questions and in order to complete the replies already given, that when the Constitution asserted that "work is ... a duty of the individual" (art. 59), it was setting out a general principle, an encouragement to citizens. There was neither forced nor compulsory labour in Panama. Pursuant to article 337 of the Labour Code, children aged over 14 could be employed in domestic or agricultural work.

They could join trade unions. He said that he would provide the Committee at a later date with the information requested on the percentage of orphans cared for in orphanages, the percentage of families who owned their home and of homeless families, the number of doctors and hospital beds per 10,000 inhabitants, the number of mothers in employment and of children in day nurseries.

26. In the case of a de facto union or of concubinage, each party could inherit from the other, provided there were five witnesses and a document to prove that the relationship had lasted for more than five years and that neither partner was married. Single mothers were entitled to alimony. The Civil Code contained provisions relating to recognition of paternity, and the alleged father was held to pay alimony.

27. There were no unemployment benefits as such in Panama. If someone left his job voluntarily he was only entitled to his acquired benefits (holidays, thirteenth month's salary, etc.). If the person was wrongfully dismissed, he or she was entitled, in addition, to compensation in proportion to the number of years he had been employed. The grounds and procedure for divorce, including the means of proof, were governed by article 118 of the Civil Code. The number of school-age children who did not attend school was given in one of Panama's previous reports (E/1988/5/Add.9, para. 83, et seq.). The Government had implemented a literacy campaign, and adult education was currently provided by 463 establishments.

28. During the current reconstruction process, the Government of Panama was not solely concerned with promoting the economy and attached no more importance to employment than to the other fundamental human rights, such as the right to housing, to social security, etc. The minimum wage was set by a tripartite commission, for each branch of activity and region. All workers, including domestic employees, were entitled to the minimum wage, and the principle of equal pay for equal work was applied.

29. Foreigners were indeed excluded from running trade unions, although that did not constitute discrimination. Originally, most workers had been employed in the Canal Zone, and had mostly been foreigners. The provision in question had been adopted in 1967 to open those jobs up to Panamanians. According to data from the first week of November 1991, the rate of unemployment had fallen from 20 per cent to 15.7 per cent over the previous two years. The unemployed were entitled to social security benefits for three months after they lost their job, although in certain cases the period could be extended to 12 months.

30. With very few exceptions, private firms in Panama did not possess medical centres to provide their workers with medicine or medical care. It should be noted, moreover, that collective bargaining agreements showed that workers did not attach a great deal of importance to the provision of such services at their workplace.

31. The Labour Code, the Constitution and the Social Security Act extended protection to mothers, who received allowances and were protected for one year after the birth of their child. The Government of Panama had implemented an extensive campaign to bring street children off the streets: the objective was to establish contact with their parents, to inform them, to help them and to provide them with guidance.

32. The rate of illiteracy among the indigenous population was 63 per cent, most of whom were women. The reasons lay in the difficulty of reaching indigenous tribes, who were scattered and, moreover, inhospitable. An additional factor was the patriarchal regime in force among them, under which every Indian was entitled to have two or three wives who worked for him and who were not allowed to speak to outsiders. The Government was endeavouring, by granting fellowships to promote the training of indigenous teachers, who would subsequently be able to train other members of the indigenous population; however, those who passed their final examinations did not wish to return to their tribe of origin to teach. That approach was nevertheless the best means of combating illiteracy among the indigenous population, as indigenous teachers would be able to provide bilingual education while respecting indigenous customs and traditions and safeguarding their cultural heritage.

33. With regard to the drug problem, he said that the number of drug addicts was fairly low in Panama in comparison with other countries in the region. However, the war being waged among drug traffickers, most of whom were foreigners, was a cause for concern.

34. Democracy was being restored to Panama on the basis of full respect for human rights. Freedom of expression and action were guaranteed, there was no political persecution and due process of law was properly observed. As proof of that, many criminals and individuals who had appropriated State property had still not been sentenced on account of the many remedies available to them.

35. With regard to trade union law, he said that the number of trade union members was fairly low as the unions, which had become corrupted under the military dictatorship, had lost much of their credibility. Nevertheless, all employees in firms had to pay trade union dues if more than half of their number plus one were unionized. If a trade union lost its majority in a firm, it continued to receive workers' dues for six months. The employees of firms that had signed collective bargaining agreements with a trade union also had to pay dues. Public employees were entitled to join a union and to go on strike. It was mandatory for collective labour disputes involving civil servants to be submitted to arbitration. In addition, factory inspections were carried out to ensure compliance with the Labour Code and with the provisions of the Covenant.

36. The situation of unemployed persons in Panama was the same as in any other country. The National Directorate of Employment was responsible for combating unemployment, and in that regard he invited the members of the Committee to consult Panama's initial report concerning the rights covered by articles 6 to 9 (E/1984/6/Add.19).

37. Regarding publicity of the Covenant, he said that the Covenant had been approved by the National Assembly in 1976, and then ratified by the Executive. It had been published in the Official Gazette of May 1976 and commented upon in the press. He acknowledged that the information submitted to the Committee regarding the implementation of articles 3 to 15 of the Covenant was more than one year old, but said that more recent information was not available. He offered to provide the members of the Committee with updated data at a later date.

38. Turning to the question of natural children, he pointed out that the Constitution stipulated that any classification of filiation had been abolished and that all children were equal before the law. He had no precise data on the number of marriages and divorces.

39. He said that, where the right to social security was concerned, if the insured male partner in a de facto union died, his companion was entitled to a pension. If the woman died, the man was also entitled to a pension if, for example, he was an invalid and a dependant of the deceased.

40. Regarding the right to education, he said that freedom of education had always been observed, even under the dictatorship. The only requirement incurred by teachers was compliance with the curriculum and behaviour befitting their position.

41. Addressing the question of protection of the family, he said that, although men and women had the same parental rights, in case of divorce mothers were usually given custody of the minor children. As far as the matrimonial regime was concerned, couples generally lived under a regime of separate property, although they were entitled to decide otherwise. As far as the situation of women in Panama was concerned, he said that women had the same rights as men. They took part in Panama's political and economic life. There were two female deputy ministers, two female Supreme Court judges and 40 per cent of judges were women. In the banking sector, most employees were women.

42. As far as child labour was concerned, the Labour Code prohibited the employment of children aged under 14, and stipulated that children aged under 18 should not perform work that would endanger their health or morals.

43. Regarding the struggle against AIDS, the Government of Panama conducted ongoing information campaigns against contagious diseases, and particularly against AIDS, 200 cases of which had so far been recorded. The authorities endeavoured, moreover, to respect the fundamental rights of sufferers.

44. Mr. WIMER ZAMBRANO pointed out that his intention in submitting his compilation on Panama had been to submit the grievances formulated by international organizations, non-governmental organizations and the press in respect of each article of the Covenant, in order to set out the views of each of them regarding the situation of economic, social and cultural rights in Panama. He specified that the newspaper La Jornada, from which he had quoted when he had submitted his compilation, was a Mexican paper, and he made it clear that he had at no point spoken of connivance or complicity, but merely of coincidence. Lastly, he emphasized that when he had referred to the intervention by the United States, he had not been making a value judgement, but merely setting out the facts.

45. Mr. SIMMA said that his question on the distribution of household income had been based on the report on the state of the world's children prepared by UNICEF in 1991, according to which the gap between the percentage of private income of the highest 20 per cent of households and that of the lowest 40 per cent was the widest in the world. He asked whether that situation had changed. He also inquired whether the provisions of the Covenant could be

directly invoked before the courts by private individuals, and whether there had been any instances in which they had done so. He hoped that Panama would provide written replies to those two questions.

46. As far as the drug problem was concerned, he pointed out that, according to the report of the Human Rights Committee for 1991 (A/46/40), it was the representative of Panama to the Committee, the Attorney-General, who had reported that over 60 per cent of young people in Panama used drugs (see report, para. 433).

47. Regarding the right to housing, he inquired whether the people who had been temporarily housed in two hangars on United States army bases had been rehoused in their own district and whether the money paid by the United States had been fairly shared out among tenants and houseowners whose homes had been destroyed. Lastly, he asked what was the attitude of the Government of Panama regarding the evictions of people at the beginning of 1990 by the Panamanian forces and by the United States army in the districts of Tourmen, San-Miguelito and Panama Viejo, which the Sub-Commission had described as a blatant violation of human rights.

48. Mr. ALVAREZ VITA took it that Panamanian workers were obliged to join a trade union, a requirement that he found very disturbing.

49. Mr. UCROS (Panama) said that people whose houses had been destroyed had been able to return to their own districts if they so wished. Three 8- to 10-storey buildings had already been completed and 3 others were nearing completion. Low-cost housing had already been built in other areas for those inhabitants who wished to move to another district. As for the financial assistance from the United States, it had been paid into an account opened with the Savings Bank in the names of the heads of the families concerned.

50. It was true that the criminal police and the army had cooperated to clean up a number of dangerous districts in which drug traffickers committed crimes and fought one another. The house searches carried out had led to the discovery of numerous weapons and of drugs. No violence had been involved, and no one had been evicted.

51. As far as the distribution of income was concerned, the National Assembly was currently considering an amendment to the tax law designed to exempt public and private sector workers who earned less than $350 from income tax.

52. In reply to Mr. Alvarez Vita, he recognized that mandatory membership of a trade union was a violation of trade union freedoms. The requirement, which the Government would do its utmost to abolish, was a legacy of the previous regime.

53. He said that he would submit a number of documents relating to appeals made against dismissal to the secretariat.

54. Mrs. JIMENEZ BUTRAGUEÑO asked for information on the situation of the elderly in Panama.

55. Mr. VELASQUEZ (Panama) said that in Panama retired people received between US$ 130 and US$ 1,500 per month. There were old people's homes as well as associations of retired persons whose aim was to improve the situation of the elderly. Generally speaking, the elderly were looked after by their families, and he hoped that that would always be the case.

56. The CHAIRMAN thanked the representatives of Panama for their statements and for the replies to the questions put by the Committee. He said that, if they so wished, they could attend the Committee's meeting on 28 November 1991, at which the experts would make their concluding observations on Panama's report. Panama would be able to make any remarks on those observations at a later date.

57. Mr. Ucros, Mrs. Vallarino and Mr. Velasquez (Panama) withdrew.

INITIAL REPORTS CONCERNING ARTICLES 1 TO 15 OF THE COVENANT

Afghanistan (E/1984/6/Add.12; E/1990/5/Add.8) (continued)

58. The CHAIRMAN invited the Afghan delegation to answer the questions put by the members of the Committee.

59. Mr. WAHIDI (Afghanistan) said that the various statistics requested by the Committee would be provided at a later date.

60. With regard to work in prisons, he said that political detainees were exempted. The State gave ordinary detainees an opportunity to pursue a number of optional activities and employment based on the social rehabilitation of the individual.

61. As far as remuneration for work was concerned, public and semi-public sector employees were paid by the State or the body which employed them, on the basis of wage scales drawn up jointly with a central agency, the Central Federation of Afghan Trade Unions (in the case of the civil service and joint ventures) or on the basis of an internal scale (in the case of social organizations) or, if appropriate, on the basis of agreements between the trade unions and the State Committee on Labour and Social Security (in the case of cooperatives). Workers in the private sector and in joint ventures in which State participation was less than 50 per cent were paid on an internal scale, jointly agreed by the Consultative Commission on Economic Affairs, the Federation of Trade Unions and the National Commission mentioned above. Pursuant to the Labour Code, the trade union representatives took part in setting wages in all sectors.

62. In case of conflict or of failure to reach an amicable solution through internal machinery, workers could lay their case before a commission for the settlement of labour disputes. The manner in which the Commission considered cases, and deadlines, were laid down by the Labour Code and other regulations. Once the Commission's decision had been accepted by the parties to the dispute, it became enforceable. If it was rejected, the worker concerned could take his case to the council of representatives, or to the competent court, if there was no such council in the firm or body in which he worked. The courts could also deal with appeals against a council's or a commission's decision,

on grounds of non-compliance with current legislation, as well as certain types of dispute which, pursuant to the law, had to be directly submitted to them. If an employer failed to act within the deadline set by the final decision of a commission or council, the body adopted a further enforceable decision with which the employer was ordered to comply by the courts. A worker who recovered his job after having been wrongfully dismissed was paid the wages he would have earned during the period of his dismissal, calculated on the basis of the average monthly wage for the three months prior to his dismissal. The amount of compensation awarded was not more than one year's wages, or two years' unused annual holidays.

63. He said that, as far as the labour inspectorate was concerned, the State Committee on Labour and Social Security and the Central Federation of Afghan Trade Unions permanently monitored working conditions in public enterprises and bodies, and ensured that labour legislation and safety rules were complied with at places of work.

64. Trade unions were social organizations and not State agencies. Firms and administrations were required, within the limits set by law, to allow trade unions to perform their multiple role. In addition to pressing workers' wage claims, trade unions also worked alongside management to ensure proper implementation of international instruments and national labour law, as well as standards and regulations pertaining to industrial safety, workers' and employees' housing and the basic services with which workers were provided. They took part in managing social security and in organizing workers' leisure and culture. They kept track of amendments to standards and could submit new ones through the Federation. They were also concerned with the design and implementation of national development plans. Workers were involved in labour and production management through the trade unions and social organizations, and could themselves criticize or put forward proposals to improve working conditions to their firm's or agency's management, which had to inform them of the action taken on the criticism and proposals. Management was required to provide trade unions with funds for their cultural and sporting activities and to provide the council of representatives, free of charge, with meeting rooms and equipped premises. Workers and the members of the council of representatives could not be dismissed on disciplinary grounds without the consent of the council, nor could the council's chairman or a trade union leader be dismissed without the agreement of the Central Federation. In Afghanistan, strikes were rare but not inexistent. The most recent one - the doctors' strike in Kabul - had been in September 1991.

65. The Committee had asked for details of social security: it was jointly financed by the State, by firms and workers. Workers' contributions diminished in proportion to Afghanistan's economic growth, and in the long term it would be possible to dispense with them. As far as benefits were concerned, workers were entitled to an allowance (equivalent to one month's wages) when they retired, as well as to an allowance for a fixed period until they returned to work, if they were incapacitated for work, or in case of pensionable invalidity (the amount of the pension depending on the gravity of their case), as well as during maternity leave; allowances were also paid to a deceased worker's family for his funeral (three months' wages).

66. The age of retirement was 60 for men and 55 for women. Men could take early retirement after 25 years' employment and women after 20 years. The statutory retirement age was reduced by one year for each five years spent in an arduous job, working underground or in conditions that were harmful to health. However, an employer could extend the contract of a valuable employee for five years beyond the statutory age, provided the employee agreed; in such cases, the employer had to pay the employee's full salary together with bonuses and normal benefits throughout the whole period of the extension.

67. The pension system was the following: a lump sum equivalent to 2 months' wages for each year's employment was paid to retirees who had worked from 1 to 5 years, and equivalent to 3 months for those who had worked from 5 to 10 years. After 10 years' employment, workers were entitled to a life pension equivalent to 40 per cent of their last month's wages, with a bonus of 2 per cent per year's employment beyond the first 10 years and a ceiling equivalent to the total wage for their grade and level at the time of retirement. The number of years' employment was not taken into account in calculating benefits paid in the case of employment-linked incapacity or invalidity, or of benefits paid to survivors. Pension rights were preserved if persons were sentenced to prison. It was forbidden to accumulate several pensions.

68. Regarding the right to education, he confirmed that primary education was compulsory in Afghanistan. There were 14,380 literacy centres for adults in Afghanistan.

69. Regarding the legislative status of the Covenants and other international instruments in Afghanistan, article 145 of the Constitution stipulated that international treaties to which Afghanistan was a party and conventions to which it had acceded took precedence over national legislation provided their provisions did not run counter to national law. The Labour Code contained similar provisions regardi the ILO Conventions to which Afghanistan had acceded. Thus, legislative bodies took international instruments fully into consideration when drawing up bills. As far as the impact of Islamic law on the exercise of fundamental rights and freedoms was concerned, he referred to the constitutional guarantees set out in paragraph 11 of Afghanistan's initial report (E/1990/5/Add.8).

70. The CHAIRMAN said that the Committee would hear Afghanistan's remaining replies at its next meeting.

PREPARATORY ACTIVITIES RELATING TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 9)

71. The CHAIRMAN said that the sessional Working Group on preparatory activities relating to the World Conference for Human Rights would comprise Mrs. Ider, Mr. Konate, Mr. Neneman, Mr. Marchan Romero and Mr. Simma; the last three persons would be replaced, if necessary, by Mr. Kouznetsov, Mr. Alvarez Vita and Mrs. Jimenez Butragueño, respectively; Mr. Simma had agreed to be the coordinator of the group, which was open to all.

The meeting rose at 1 p.m.